

Richard M. Heimann (State Bar No. 063607)
E-mail: rheimann@lchb.com
Michael W. Sobol (State Bar No. 194857)
E-mail: msobol@lchb.com
Roger Heller (State Bar No. 215348)
E-mail: rheller@lchb.com
Jordan Elias (State Bar No. 228731)
E-mail: jelias@lchb.com
LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

Richard D. McCune (State Bar No. 132124)
E-mail: rdm@mwtriallawyers.com
Jae (Eddie) K. Kim (State Bar No. 236805)
E-mail: jkk@mwtriallawyers.com
McCuneWright, LLP
2068 Orange Tree Lane, Suite 216
Redlands, CA 92374
Telephone: (909) 557-1250
Facsimile: (909) 557-1275

Attorneys for Plaintiffs and the Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, ERIN
WALKER, and WILLIAM SMITH, as
individuals and on behalf of all others
similarly situated,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,
Defendant.

Case No. C 07-05923-WHA (JCSx)

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR JUDGMENT
FOLLOWING REMAND**

The Honorable William H. Alsup

Date: May 2, 2013
Time: 8:00 a.m.
Courtroom: 8, 19th Floor

1 These matters come before the Court upon Plaintiffs' Motion for Judgment
 2 Following Remand. Upon consideration of the papers and arguments made by the parties, and
 3 good cause appearing, the Court hereby ORDERS as follows:

- 4 1. Plaintiffs' Motion for Judgment Following Remand is GRANTED.
- 5 2. Judgment shall be re-entered, as to the "fraudulent" prong and False Advertising Law
 6 claims for which class-wide liability was affirmed by the Ninth Circuit, for restitution
 7 in the amount of \$202,994,035.46.
- 8 3. Post-judgment interest shall accrue from the date of the entry of the original Judgment,
 9 *i.e.*, from October 25, 2010.
- 10 4. Wells Fargo is permanently enjoined from making fraudulent or misleading
 11 representations about its system of posting in the future.
- 12 5. Pre-judgment interest shall be awarded in an amount to be calculated. Wells Fargo
 13 shall provide Plaintiffs' expert with access to the class-wide transactional data within
 14 30 days of this Order for purposes of performing the calculations. Plaintiffs shall
 15 thereafter submit a supporting brief showing the calculations for the class.
- 16 6. Judgment incorporating these Orders to follow

17
 18 **IT IS SO ORDERED.**

19
 20 Dated: _____

 21 Hon. William H. Alsup
 22 United States District Judge
 23

24 1087136.1
 25
 26
 27
 28